

AMENDMENTS TO LB 206

Introduced by Education.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Sections 1 to 6 of this act shall be known and
4 may be cited as the In the Line of Duty Dependent Education Act.

5 Sec. 2. The Legislature finds and declares that:

6 (1) Nebraska's law enforcement officers and firefighters
7 place their lives at risk in the line of duty to protect the
8 citizens and property of this state;

9 (2) The services performed by Nebraska law enforcement
10 officers and firefighters are necessary for the protection of the
11 citizens and property of this state;

12 (3) Nebraska law enforcement officers and firefighters
13 have lost or may lose their lives in the performance of their
14 official duties; and

15 (4) Nebraska law enforcement officers and firefighters
16 perform dangerous and hazardous acts in order to protect the
17 citizens and property of this state.

18 It is the intent of the Legislature to recognize the
19 ultimate sacrifice made by Nebraska law enforcement officers and
20 firefighters who are killed in the line of duty on or after the
21 effective date of this act by providing a postsecondary educational
22 benefit for their surviving children to attend state universities,
23 state colleges, and community colleges located in Nebraska.

1 Sec. 3. For purposes of the In the Line of Duty Dependent
2 Education Act:

3 (1) Associate degree program means a degree program at
4 a community college, state college, or state university which
5 typically requires completion of an organized program of study of
6 at least sixty semester credit hours or an equivalent that can be
7 shown to accomplish the same goal. Associate degree program does
8 not include a baccalaureate degree program;

9 (2) Baccalaureate degree program means a degree program
10 at a community college, state college, or state university which
11 typically requires completion of an organized program of study of
12 at least one hundred twenty semester credit hours or an equivalent
13 that can be shown to accomplish the same goal;

14 (3) Child means a resident or nonresident of Nebraska who
15 is the child by birth or adoption of a Nebraska law enforcement
16 officer killed in the line of duty or a Nebraska firefighter killed
17 in the line of duty;

18 (4) Community college means a public postsecondary
19 educational institution which is part of the community college
20 system and includes all branches and campuses of such institution
21 located within the State of Nebraska;

22 (5) Education benefit means the In the Line of Duty
23 Dependent Education Benefit established under section 4 of this
24 act;

25 (6) Fatal injury means an event occurring in the line of
26 duty which is a proximate cause in the death of a law enforcement
27 officer or firefighter;

1 (7) Firefighter means a member of a paid or volunteer
2 fire department in Nebraska, including a member of a rescue squad
3 associated with a paid or volunteer fire department in Nebraska,
4 and a member of an emergency medical services ambulance squad;

5 (8) Law enforcement officer means any person who is
6 responsible for the prevention or detection of crime or the
7 enforcement of the penal, traffic, or highway laws of the State of
8 Nebraska or any political subdivision of the state for more than
9 one hundred hours per year and who is authorized by law to make
10 arrests;

11 (9) Line of duty means any action that a Nebraska law
12 enforcement officer or firefighter is authorized or obligated by
13 law, rule, or regulation to perform, related to or as a condition
14 of employment or service;

15 (10) State college means a public postsecondary
16 educational institution which is part of the Nebraska state college
17 system and includes all branches and campuses of such institution
18 located within the State of Nebraska;

19 (11) State university means a public postsecondary
20 educational institution which is part of the University of Nebraska
21 and includes all branches and campuses of such institution located
22 within the State of Nebraska;

23 (12) Tuition and fees means the charges and cost of
24 tuition and fees as set by the governing body of a state
25 university, state college, or community college; and

26 (13) Volunteer fire department means a volunteer
27 department as defined in section 35-1303 located in Nebraska which

1 provides fire protection services within Nebraska.

2 Sec. 4. (1) The In the Line of Duty Dependent Education
3 Benefit is established for children of law enforcement officers
4 and firefighters killed in the line of duty. In order for a child
5 to be eligible for the benefit, the law enforcement officer or
6 firefighter must have incurred the fatal injury on or after the
7 effective date of this act.

8 (2) Notwithstanding the provisions of this section, a
9 death that occurs as the direct and proximate result of a
10 preexisting physical condition, disease, or illness shall be
11 excluded from eligibility under this section unless the aggravation
12 of such condition, disease, or illness caused by being in the line
13 of duty was a direct and proximate cause of death.

14 (3) Any child who is the child of a law enforcement
15 officer killed in the line of duty as provided in subsection (1)
16 of this section or of a firefighter killed in the line of duty
17 as provided in such subsection shall be eligible for the education
18 benefit if the child is twenty-five years of age or younger. An
19 eligible child shall meet all admission requirements of the state
20 university, state college, or community college to which he or she
21 is applying.

22 (4) The education benefit shall be provided only for
23 full-time undergraduate students who are pursuing studies leading
24 to a degree from an associate degree program or a baccalaureate
25 degree program. The eligible child may receive the education
26 benefit for up to five years if he or she otherwise continues to be
27 eligible for participation. All education benefits received under

1 the In the Line of Duty Dependent Education Act shall cease when
2 the eligible child reaches twenty-six years of age.

3 (5) A child becomes eligible for the education benefit
4 after he or she has applied for federal financial aid grants and
5 state scholarships and grants to cover tuition and fees. The child
6 must provide a record of application for such financial aid to the
7 state university, state college, or community college to which he
8 or she is applying.

9 (6) The state university, state college, or community
10 college shall waive tuition and fees remaining due after
11 subtracting awarded federal financial aid grants and state
12 scholarships and grants for an eligible child during the time the
13 child is enrolled as a full-time student. To remain eligible,
14 the child must comply with all requirements of the institution
15 for continued attendance and award of an associate degree or a
16 baccalaureate degree.

17 (7) An application for an education benefit shall include
18 a certified copy of the eligible child's birth certificate or
19 applicable adoption record and verification of the death of the law
20 enforcement officer or firefighter who was the child's parent.

21 (8) Verification of the death of the law enforcement
22 officer or firefighter shall be made by obtaining a certificate
23 of eligibility from the following sources: (a) Certificates of
24 eligibility for the children of law enforcement officers shall
25 be obtained from the Superintendent of Law Enforcement and
26 Public Safety; (b) certificates of eligibility for the children
27 of firefighters, except as provided in subdivision (c) of this

1 subsection, shall be obtained from the State Fire Marshal; and (c)
2 certificates of eligibility for the children of emergency medical
3 services ambulance squads that are not associated with a paid or
4 volunteer fire department shall be obtained from the Department of
5 Health and Human Services.

6 (9) Within forty-five days after receipt of a completed
7 application, the state university, state college, or community
8 college shall send written notice of the applicant's eligibility or
9 ineligibility for the education benefit. If the child is determined
10 not to be eligible for the benefit, the notice shall include
11 the reason or reasons for such determination and an indication
12 that an appeal of the determination may be made pursuant to the
13 Administrative Procedure Act.

14 (10) Upon a determination of eligibility for the child to
15 obtain the education benefit, the state university, state college,
16 or community college is prohibited from charging the child, the
17 child's surviving parent, or the child's guardian any tuition or
18 fees as long as the child remains eligible.

19 Sec. 5. Each state university, state college, or
20 community college shall adopt the procedures, rules, and
21 regulations necessary to carry out the In the Line of Duty
22 Dependent Education Act.

23 Sec. 6. A finding that a student qualifies for an
24 education benefit pursuant to the In Line of Duty Dependent
25 Education Act shall not be admissible as evidence for any other
26 purpose.

27 Sec. 7. Since an emergency exists, this act takes effect

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1 when passed and approved according to law.